



873

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/423,619

Applicant: Hans SEITER

Filed: November 15, 1999

Title: INNER SOLE FOR A SHOE

Group Art Unit: 3728

Examiner: T. Arnold, III

Attorney Docket No.: SEIT3001/FJD

WITHDRAWAL OF HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

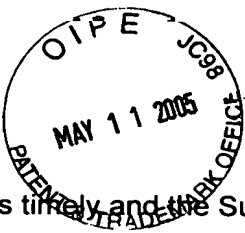
On June 15, 2004 a Notice of Abandonment was issued against the above-noted application because of "Applicant's failure to timely file a proper reply to the Office Letter mailed on 15 July 2003," noting that "A reply was received on 18 February 2004 (with a Certificate of Mailing or Transmission dated =), which is after the expiration of the period for reply (including a total extension of time of 0 month(s)) which expired on 15 January 2004."

The holding of abandonment was issued in error for the following reasons:

1) A response to the Office Action ("Office Letter") of 15 July 2003 was timely filed on October 15, 2003. A copy of this response and the date stamped receipt card are attached.

2) The reply filed February 18, 2004 was a Supplemental Response and not the primary response. As such, it was not subject to a time limitation. The Response filed on October 15, 2003 was complete and as such satisfied the requirement for a response. A copy of the Supplemental Response and the date stamped receipt card is also enclosed.

In view of 1) and 2), it is respectfully submitted that the holding of abandonment was in error and should be withdrawn and this application re-instated to active status because the



initial filing of October 15, 2003 was timely and the Supplemental Response was not subject to a time limitation.

It is respectfully submitted, that the facts noted above were previously identified to the USPTO by telephone shortly after the Notice of Abandonment was received by the undersigned. It was the undersigned's understanding that the matter would be corrected sua sponte. As yet correction has not been effected which has resulted in this submission.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Felix J. D'Ambrosio".

Felix J. D'Ambrosio
Reg. No. 25,721

May 11, 2005

CS

PATENT APPLICATION
(PENDING)

BACON & THOMAS
625 Slaters Lane 4th Fl., Alexandria, VA 22314

Attorney Docket No: SEIT3001/FJD

Serial No: 09/423,619

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Applicant(s): Hans SEITER

☒ MAILROOM

☐ ART UNIT

☐

Special Instructions:

The PTO stamp hereon acknowledges receipt of:

☒ Supplemental Response to OA of 7/15/03 with Declarations



Filed by: FJD/lhb